

Remarks:

Pending in the application at the time of the Restriction Requirement were claims 1-66. By this response, Applicant has amended claim 17 to correct a clerical error where the "user-" modifier for "redefinable" was inadvertently omitted. Following this response, the pending claims are still claims 1-66.

The Restriction Requirement dated March 27, 2006, requested election of one of the following species:

- (1) User-redefinable channel configuration (citing page 3, lines 12-20)
- (2) Redefinable channel configuration selected from a predetermined range (citing page 3, line 33 – page 4, line 15);
- (3) Generating a configuration file to configure channels (citing page 5, lines 8-20); and
- (4) Using a stored configuration file to configure channels (citing page 5, line 34 – page 6, line 7).

The Restriction further requested that Applicant include a listing of all claims that are readable on the elected species. Applicant hereby elects the claims of Species 1 (the "user-redefinable channel configuration" species) with traversal for the reasons set forth below. Applicant identifies that all claims of the application are readable upon species 1. The following claims expressly recite the user-redefinable nature of the channel configurations (claims 1-6, 9-18, 20-33). All other remaining claims of the application are sufficiently broad to encompass a user-redefinable channel configuration within their scope. For example, claim 7 recites a "redefinable configuration" that exhibits a recited property. The scope the "redefinable configuration" is not limited in a manner that would exclude a "user-redefinable configuration" that also exhibits the recited property. Thus, claim 7 and dependent claims 8 and 19 are also readable upon species 1. Claim 34 recites the step of "defining a configuration for a channel...". As with claim 7, the scope of claim 34 is sufficiently broad to encompass a channel configuration that is user-redefinable. Furthermore, none of the claims that are dependent from claim 34 exclude a user-

redefinable channel configuration from their scope (in fact, dependent claim 53 further refines claim 34 to specify that the channel configuration is user-definable). Thus, Applicant respectfully submits that claims 34-53 are also readable upon species 1. Claims 54-62 and 63-64 are readable upon species 1 for the same reasons expressed above in connection with claims 34-53. Claim 65 is also readable upon species 1 because the scope of the recited "redefinable configuration" does not exclude a user-definable configuration. Lastly, claim 66 is readable upon species 1 for the same reasons expressed above in connection with claims 34-64.

Applicant will now explain why the Restriction Requirement was improper. Citing MPEP 806.05(j), the Restriction Requirement states that "the species as claimed do not overlap in scope, i.e., are mutually exclusive..." (See Office Action, page 2). MPEP 806.04(f) explains when species are mutually exclusive:

Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. ***This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope.*** (emphasis added).

Applicant respectfully submits that the species listed in the Restriction Requirement are not mutually exclusive.

For example, a "redefinable channel configuration selected from a predetermined range" (species 2 in the Restriction Requirement, to which the Restriction Requirement cites to page 3, line 33 – p. 4, line 15 of the specification for support, which corresponds to the language of claim 7) can still encompass a user-redefinable channel configuration. *In fact, claims 9-18 expressly recite that Species 2 can encompass Species 1.*

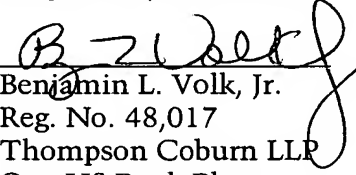
Also, Species 3 (the generation of a configuration file to configure channels) does not exclude either Species 1 or Species 2 from its scope. For example, the configuration file that is used to configure the channels can be generated in response to user input (as recited in several of the claims, e.g., claim 54), and can also be repeated (thereby rendering the configuration of Species 3 both redefinable and user-redefinable).

Similarly, Species 4 ("using a stored configuration file to configure channels") can encompass both Species 1 and 2. For example, the selection of which stored configuration file that will be used to configure a channel can be based on user input. Further still, these user actions could be repeated to thereby render the channel configurations both redefinable and user-redefinable.

Therefore, because the claims of the application overlap in scope with respect to the species listed in the Restriction Requirement, Applicant respectfully submits that the Restriction Requirement was improper and should be withdrawn.

Favorable action is respectfully requested.

Respectfully submitted,


Benjamin L. Volk, Jr.
Reg. No. 48,017
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000
(314) 552-7000 (fax)